## REMARKS

This Amendment is in response to the Office Action mailed December 18, 2003. In the Office Action, the Examiner rejected claims 1-3, 5-10, 12-14, 16-20, and 22-23 under 35 U.S.C. § 102, and rejected claims 4, 11, 15, and 21 under 35 U.S.C. § 103. Claims 1-23 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### Rejection Under 35 U.S.C. § 102

2. The Examiner rejects claims 1-3, 5-10, 12-14, 16-20, and 22-23 under 35 U.S.C. § 102(e) as being anticipated by Putcha et al. (US Pub 2003/0198241 A1).

With respect to claims 1, 9, and 12, the Examiner asserts that Putcha discloses a LAN to WAN network in which LAN ports may provide packets of data having a plurality of sizes. The Examiner further asserts that Putcha discloses a method of allocating buffers based on the utilization of the output ports, such as the port's line speed for each connection, citing paragraphs 64-65. The applicant understands the Examiner to read the claimed "controlling utilization of a router resource ... according to ... a switching capacity of the router resource" on Putcha's disclosure of allocating buffers based on the utilization of the output ports.

In paragraph 65, Putcha discloses three zones that describe port utilization. Putcha further discloses a buffer allocator that is responsive to the port utilization. Applicant respectfully submits that Putcha's disclosure of the use of port utilization to allocate buffers does not disclose the use of "switching capacity of the router resource" to control the utilization of the buffer. The claims on the present invention are directed to control of port utilization based on

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both bandwidth and switching capacity which are two different capacity constraints of a router resource. Applicant understands Putcha to disclose buffer allocation based solely on the port utilization metric.

With respect to claims 2, 7, 13, and 18, the Examiner asserts that Fig. 4a of Putcha discloses an adaptive buffer management algorithm for allocating buffers. The Examiner reads the claimed element of "switching capacity" on "allocating buffers." Applicant respectfully disagrees. Buffer allocation and switching capacity are distinctly different resources of a router. Buffers provide temporary storage for data packets between the time they are received and the time they are transmitted. Buffers allow the amount of data being received to momentarily exceed the amount of data being transmitted. While buffers can allow a router to more fully utilize the available data transfer capacity and thus increase the effective capacity of the router, buffer allocation is not the allocation of data transfer capacity of the router. Applicant respectfully submits that the Putcha disclosure of buffer allocation does not disclose the claimed element of switching capacity.

With respect to claims 3, 10, 14, and 20, the Examiner asserts that the disclosure by Putcha of buffer allocation teaches the claim element directed to switching capacity. Applicant respectfully disagrees. Applicant respectfully submits that the Putcha disclosure of buffer allocation does not disclose the claimed element for switching capacity for the same reasons as discussed in the preceding paragraph..

With respect to claims 5-6, 8, 16-17, and 19, the Examiner asserts that the disclosure by Putcha of accepting new connections based by connection admission control (CAC) teaches the claim element directed to admitting "inbound traffic according to ... a current utilization of total

switching capacity of the router resource." Applicant respectfully disagrees. Putcha discloses that a considered new connection is rejected when the buffer demand is not satisfied. Applicant respectfully submits that determining whether to admit new connections based on the ability to allocate buffers does not disclose the claimed element of selectively admitting inbound traffic to control switching capacity. As discussed above there is no equivalence between buffer availability and switching capacity.

With respect to claims 22 and 23, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 5-10, 12-14, 16-20, and 22-23 under 35 U.S.C. § 102(e) as being anticipated by Putcha.

## *Rejection Under 35 U.S.C. § 103*

3. The Examiner rejects claims 4, 11, 15, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Putcha et al. (US Pub 2003/0198241 A1).

With respect to claims 4, 11, 15, and 21, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

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## *Conclusion*

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 03/18/2004          By _____

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